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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,927	11/27/2001	Peter Altenbernd	112740-379	1133
29177	7590	08/16/2005	EXAMINER	
BELL, BOYD & LLOYD, LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			QURESHI, AFSAR M	
			ART UNIT	PAPER NUMBER
			2667	

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/995,927	ALTENBERND ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Afsar M. Qureshi	2667	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/14/2002</u> . | 6) <input type="checkbox"/> Other: ____  |

***Ex Parte Quayle***

1. This application is in condition for allowance except for the following formal matters:

a. Examiner requests that drawings be provided to help understand connection controls; QoS parameters; measuring bandwidth rate; a flow chart of the measurement based admission control system and basically, hardware used to implement some of the embodiments disclosed in the Specification, i.e., Transmitter, receiver and transmission node, as claimed in claims 5-7 be illustrated as drawings and Specification be modified accordingly.

b. Specification is objected to. Not enough details are provided to help understand some of the equations, e.g., on page 6, lines 20, “*b*” (buffer size) is computed as “104 m sec.”. It is not clear what “104m sec” represents. Is it ‘time delay’ or is it ‘buffer size’? Also, applies to other equations where ‘time delay’ is computed on pages 8-10.

2. Claims 1-7 will be allowed subject to further clearance (of sections a, b) as in paragraph 1 above.

The following is a statement of reasons for the indication of allowable subject matter: The closest prior art of record, Knightly et al. (US 6,801,501), in the same field

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b. Not enough details are provided to help understand some of the equations, e.g., on page 6, lines 20, “ $b$ ” (buffer size) is computed as “104 m sec.”. It is not clear what “104m sec” represents. Is it ‘time delay’ or is it ‘buffer size’? Same applies to other equations where ‘time delay’ is computed on pages 8-10.

2. Claims 1-7 will be allowed subject to further clearance (of sections a, b) as in paragraph 1 above.

The following is a statement of reasons for the indication of allowable subject matter: The closest prior art of record, Knightly et al. (US 6,801,501), in the same field of endeavor, discloses a method of performing admission control based upon the

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maximal rate envelope to calculate a schedulability condition and quantifying based on the variation of previous maximal rate envelope measurement. Knightly, fails to disclose the unique method steps of “using simulation, for a reserved bandwidth which is not smaller than the minimum bandwidth, to determine a buffer size and reserving the operating bandwidth using the determined stream parameters” as in claim 1.

3. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Afsar M. Qureshi whose telephone number is (571) 272 3178. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272 3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273 8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



August 10, 2005 *Primary Examiner*